

10/521871

S/N Unknown

PATENT  
DT12 Rec'd PCT/PTO 21 JAN 2005IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	MINO et al.	Examiner:	Unknown
Serial No.:	Unknown	Group Art Unit:	Unknown
Filed:	January 21, 2005	Docket No.:	10873.1596USWO
Title:	ELECTROLYTE MEMBRANE, MEMBRANE ELECTRODE ASSEMBLY USING THIS AND FUEL CELL		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 495868090 US  
Date of Deposit: January 21, 2005

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: [Signature]  
Name: David Ortiz

COMMUNICATION UNDER 37 C.F.R. §1.32(c)(3)

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

Pursuant to 37 C.F.R. §1.32 (c)(3) please appoint the following 10 practitioners named in the Power of Attorney to be recognized by the U.S. Patent Office as being of record in the above-identified application:

Brian H. Batzli (32,960)

James A. Larson (40,443)

John A. Clifford (30,247)

Douglas P. Mueller (30,300)

John J. Gresens (33,112)

Joshua N. Randall (50,719)

Curtis B. Hamre (29,165)

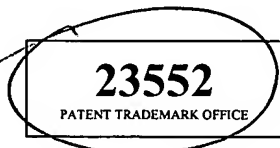
Michael D. Schumann (30,422)

Robert A. Kalinsky (50,471)

Gregory A. Sebald (33,280)

The undersigned was named on the Power of Attorney.

Respectfully submitted,



MERCHANT & GOULD P.C.

P.O. Box 2903

Minneapolis, Minnesota 55402-0903

(612) 332-5300

Dated: January 21, 2005

By: [Signature]  
Douglas P. Mueller  
Reg. No. 30,300

DPM/sbd

S/N Unknown

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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By:   
Name: David Ortiz

COMMUNICATION CONCERNING INVENTOR ADDRESSES

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

Applicants note that the addresses for some of the inventors have changed since the international application was filed. The new addresses are as follows:

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If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 371-5237.

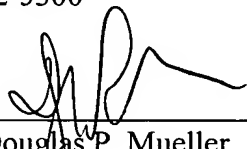
Respectfully submitted,



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Dated: January 21, 2005

By: \_\_\_\_\_

  
Douglas P. Mueller  
Reg. No. 30,300

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Rec'd PCT/PTO 21 JAN 2005  
10/5218/1

Attorney Docket No.

MERCHANT & GOULD P.C.

United States Patent Application

**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:  
**ELECTROLYTE MEMBRANE, MEMBRANE ELECTRODE ASSEMBLY USING THIS AND FUEL CELL**

The specification of which

- a. ☐ is attached hereto  
b. ☒ was filed on \_\_\_\_\_ as application serial no. PCT/JP2003/09368 and was amended on \_\_\_\_\_ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. PCT/JP2003/009368 filed on July 24, 2003 and as amended on \_\_\_\_\_ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☐ no such applications have been filed.  
b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
Japan ✓	2002-217247 ✓	25 July 2002 ✓	
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

10/521871

JAN 2003

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Ali, M. Jeffer Reg. No. 46,359  
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 Anderson, Gregg I. Reg. No. 28,828  
 Batzli, Brian H. Reg. No. 32,960  
 Beard, John L. Reg. No. 27,612  
 Berns, John M. Reg. No. 43,496  
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 Branch, John W. Reg. No. 41,633  
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 Bruess, Steven C. Reg. No. 34,130  
 Byrne, Linda M. Reg. No. 32,404  
 Campbell, Keith Reg. No. 46,597  
 Clifford, John A. Reg. No. 30,247  
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 Mueller, Douglas P. Reg. No. 30,300  
 Nelson, Anna M. Reg. No. 48,935  
 Parsons, Nancy J. Reg. No. 40,364  
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 Peterson, Kyle T. Reg. No. 46,989  
 Phillips, John B. Reg. No. 37,206  
 Pino, Mark J. Reg. No. 43,858  
 Qualey, Terry Reg. No. 25,148  
 Randall, Joshua N. Reg. No. 50,719  
 Reich, John C. Reg. No. 37,703  
 Reiland, Earl D. Reg. No. 25,767  
 Roath, Paul D. Reg. No. 45,045  
 Schmaltz, David G. Reg. No. 39,828  
 Schuman, Mark D. Reg. No. 31,197  
 Schumann, Michael D. Reg. No. 30,422  
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 Sebald, Gregory A. Reg. No. 33,280  
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 Sorge, Keith M. Reg. No. 50,865  
 Stewart, Alan R. Reg. No. 47,974  
 Stoll-DeBell, Kirstin L. Reg. No. 43,164  
 Sullivan, Timothy Reg. No. 47,981  
 Swenson, Erik G. Reg. No. 45,147  
 Tellekson, David K. Reg. No. 32,314  
 Trembath, Jon R. Reg. No. 38,344  
 Tunheim, Marcia A. Reg. No. 42,189  
 Underhill, Albert L. Reg. No. 27,403  
 Vidovich, Kristin K. Reg. No. 41,448  
 Wahl, John R. Reg. No. 33,044  
 Welter, Paul A. Reg. No. 20,890  
 Whitaker, John E. Reg. No. 42,222  
 Wiegand, Jamie Reg. No. 52,361  
 Wier, David D. Reg. No. 48,229  
 Williams, Douglas J. Reg. No. 27,054  
 Withers, James D. Reg. No. 40,376  
 Wong, Bryan A. Reg. No. 50,836  
 Wong, Thomas S. Reg. No. 48,577  
 Xia, Tim Tingkan Reg. No. 45,242  
 Zeuli, Anthony R. Reg. No. 45,255

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

10/521871

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys. Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1-00	2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
	0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	1	Mailing Address	Address	City	State & Zip Code/Country
Signature of Inventor 201:			Norihsa Mino		Date: December 14, 2004
2-00	0	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
	0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	2	Mailing Address	Address	City	State & Zip Code/Country
Signature of Inventor 202:			Nobuhiko Hojo		Date: December 8, 2004
3-00	0	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
	0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	3	Mailing Address	Address	City	State & Zip Code/Country
Signature of Inventor 203:			Aoi Tanaka		Date: December 8, 2004
4-00	0	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
	0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	4	Mailing Address	Address	City	State & Zip Code/Country
Signature of Inventor 204:			Takashi Akiyama		Date: December 21, 2004

5-00	Full Name Of Inventor	Family Name OKADA	First Given Name Yukihiko	Second Given Name
0	Residence & Citizenship	City Katano-shi JPX	State or Foreign Country Osaka, Japan	Country of Citizenship Japan ✓
5	Mailing Address	Address 3-8-303, Myokenzaka	City Katano-shi	State & Zip Code/Country Osaka 576-0021/ JAPAN
Signature of Inventor 205: Yukihiko Okada			Date: December 8, 2004	
6-00	Full Name Of Inventor	Family Name YUASA	First Given Name Kohji	Second Given Name
0	Residence & Citizenship	City Hirakata-shi JPX	State or Foreign Country Osaka, Japan	Country of Citizenship Japan ✓
6	Mailing Address	Address 8-17, Nagisahigashimachi	City Hirakata-shi	State & Zip Code/Country Osaka 573-1176/ JAPAN
Signature of Inventor 206: Kohji Yuasa			Date: December 20, 2004	
7-00	Full Name Of Inventor	Family Name INATOMI	First Given Name Yuu	Second Given Name
0	Residence & Citizenship	City Moriguchi-shi JPX	State or Foreign Country Osaka, Japan	Country of Citizenship Japan ✓
7	Mailing Address	Address 1-24-11, Saigodori	City Moriguchi-shi	State & Zip Code/Country Osaka 570-0034/ JAPAN
Signature of Inventor 207: Yuu Inatomi			Date: January 5, 2005	
8-00	Full Name Of Inventor	Family Name YAMAMOTO	First Given Name Taisuke	Second Given Name
0	Residence & Citizenship	City Osaka-shi JPX	State or Foreign Country Osaka, Japan	Country of Citizenship Japan ✓
8	Mailing Address	Address 4-1-41, Katsuyamakita, Ikuno-ku	City Osaka-shi	State & Zip Code/Country Osaka 544-0033/ JAPAN
Signature of Inventor 208: Taisuke Yamamoto			Date: December 8, 2004	